1861-018 SOUTHAMPTON COUNTY CHANCERY PAPERS

BAILY vs. BAILY'S EXTOR

11/1861

other surnames: Bailey

482

Bailey
vs
Bailey etal

Bill Answers and Decree

1861 January. Decree as filed
" Febry. Report.
" Mar. " confd

Bailey
vs
Bailey & Others } Bill

To the worshipful County Court of Southampton county. in Chancery sitting -

Humbly complaining sheweth unto your worship, your oratrix Calphurnia S Bailey widow of Edmund C Bailey dec'd. That her husband Edmund C Bailey recently departed this life, after having first made and published his last will and testament which has been duly admitted to record in the Clerks office of said County a copy of which is herewith filed marked "A" and prayed to be taken as a part of this bill. That Edmund P Bailey who was appointed Executor under said will qualified as such at July term 1860. That the testator after directing his negro slave Britton to be hired out until his youngest child ~~becomes of age~~ arrives at the age of eighteen. and the proceeds of him to go to the support and education of all his children and then all said negro. under the 4th Clause of said will ~~directs~~ loans his wife one third of all his other slaves during her life which will more fully appear by reference to a copy of said will herewith filed - your oratrix claims that this one third of said slaves should be allotted her by Commissioners appointed by this Court, the Executor is willing to surrender them, they not being necessary for the payment of debts. In tender consideration of the premises and in as much as your

Orators is without remedy save in a Court of equity. where matters of this kind are peculiarly cognizable and relievable. it is prayed that Edward P Bailey Executor of the last will and testament of Edmund C Bailey dcd and

may be made parties defendants to this bill and answer the allegations thereof. that a guardian ad litem may be assigned the infant defendants that Commissioners may be appointed to allot to her one third of said slaves during her life and grant such other and general relief as the nature of the case may require and equity may dictate and as in duty bound your orators will ever pray &c

Chamberlayne & Mapsburgh p.q.

The defendant
Answer of Edward P Bailey Executor of Edmund C Bailey dcd to the foregoing bill. The said defendant says he has no objection to the decree prayed for

Edward P Bailey
by Cham. & Mapsburgh his attys

The answers of

infants under the age of twenty one by L R Edwards their guardian ad litem to the foregoing bill These defendants by their guardian ad litem L R Edwards answering say. that being minors under the age of twenty one, they leave to submit their interests in this suit to the protection of this most worshipful court. and having answered pray same to be dismissed &

Bailey
vs
Bailey & others } Decree

This day this cause came on to be heard on the bill answers & defendants exhibits and was argued by Counsel - On consideration whereof the court doth adjudge order and decree that James Peters, John Williams, Robert Rowland, Samuel Drewry and William Harris (any three of whom may act) who are appointed Commissioners for that purpose, allot to Calphurnia C Bailey widow of Edmund C Bailey dcd, during her natural life, one third of all the negro slaves (having due regard to value) of which the said Edmund C Bailey died possessed: the slave Brister not to be included in this division, he being otherwise disposed of by the will of said Bailey. and the said Commissioners are directed to report their proceedings under this decree to Court —

Bailey

to } Copy Decree

Bailey's Exor

1861 Feby Court Rept

Southampton County Court January Term 1861

Calphurnia S Bailey Pltff } In Chancery

against

Edward P. Bailey Executor of Edmund C Bailey &c Defts

This day this cause came on to be heard on the bill, answer of defendants exhibit filed and was argued by Counsel - On consideration whereof the Court doth adjudge, order and decree that James Peters, John Williams, Robert Rowland, Samuel Drewry and William Harris (any three of whom may act) who are appointed Commissioners for that purpose allot to Calphurnia S Bailey widow of Edmund C Bailey dec'd during her natural life one third of all the negro slaves (having due regard to value) of which the said Edmund C Bailey died possessed - the slave Brister not be included in this division he being otherwise disposed of by the Will of said Bailey - And the said Commissioners are directed to report their proceedings under this decree to Court -

A Copy

Teste L R Edwards CC

In obedience to the above decree we the Commissioners therein named proceeded to value the slaves of which Edmund C Bailey died possessed and to allot to Calphurnia C Bailey, widow of said C C Bailey one third of said slaves, (except Brister) in value during his natural life, as follows

Negro man Davy valued		$800
" Woman Vicy & child Henry		900
" " Susan & 2 children Nicholas and Moses		1000
" " Amanda		300
" " Cynthia		500
		$2500
Left to keep for life Mark $100		200
" " " " " Christian	100	$3300

we allotted to the Widow Davy at $800

and Amanda " 300

$1100

Respectfully submitted

Jas S. Peters

Rob't Rowland

John Williams

Barly—

In the name of God, Amen! I, Edmund C. Bailey of the County of Southampton and State of Virginia, do make this my last Will and Testament, in manner and form as follows:

Item 1st. I give to my beloved wife my two colts Colin and Doctor and my Barouch and harness to her and her heirs forever.

Item 2nd My will and desire is that Executor hereinnamed shall sell all my Landed and perishable estate and after the payment of my just debts the money arising from such Sale be divided as follows; Viz: One third of said money, I loan my wife during her life, and if she desire it she is at liberty to expend the said money in Landed estate, and hold the same during her life. and after her death the said Land be sold and the proceeds equally divided between my Children.

Item 3d My will and desire is that my Executor do hire out my man Brister until my youngest Child arrives to the age of eighteen years, and the proceeds to go to the support and education of my Children and then sell the said Negro.

Item 4. I loan my wife one third in Value of all my other Slaves during her life.

Item 5. All my other estate I give to be equally divided between my Children; I do hereby appoint my brother Edward D. Bailey Executor of this my last will and testament. Signed and acknowledged this 30th day of April 1860, in the presence of.

James E. Peters — E. C. Bailey

Robt. Rowland

At a Court held for the County of Southampton July 16th 1860
This last Will and testament of Edmund C Bailey Dec'd. was proved by the oaths of James E Peters and Robt. Rowland, the subscribing witnesses thereto, and ordered to be recorded.

Test, L. R. Edwards, C.C.

A Copy,
Test, Henry J. Howard, D.C.